

IN THE MATTER OF
MORRIS A. NALLE, P.T.
RESPONDENT

* BEFORE THE STATE BOARD
* OF PHYSICAL THERAPY
* EXAMINERS

License Number: 16597

*

* * * * *

CONSENT ORDER

The Maryland State Board of Physical Therapy Examiners (the "Board") charged **Morris A. Nalle, P.T., (the "Respondent")**, D.O.B.: **12/10/64**, License Number: **16597**, with violating certain provisions of the Maryland Physical Therapy Act (the "Act"), Md. Health Occ. Code Ann., §§ 13-101 et seq. (2000). Specifically, the Board charged the Respondent with violating the following:

H.O. § 13-316:

Subject to the hearing provisions of § 13-317 of this subtitle, the Board may deny a license, temporary license, or restricted license to any applicant, reprimand any licensee or holder of a temporary license or restricted license, place any licensee or holder of a temporary license or restricted license on probation or, suspend or revoke a license, temporary license, or restricted license if the applicant, licensee, or holder:

- (16) Violates any provision of this title or rule or regulation adopted by the Board.

The Board also charged the Respondent with violating **Code Md. Regs. tit. 10, § 38.03 Standards of Practice:**

02. Standards.

- L. At least one in every ten visits or every 60 calendar days, whichever comes first, there shall be a joint on-site visit with treatment rendered by the physical therapist assistant under the direct supervision of the physical therapist. At this visit the

physical therapist is to assess the treatment performed by the physical therapist assistant, reevaluate the patient's program, and document the treatment program.

.02-1 Requirements for Documentation.

A. As established by the American Physical Therapy Association of Maryland, and as approved by the Board, the physical therapist shall document the patient's chart as follows:

(1) For Initial visit:

- (a) Date,
- (b) Condition/diagnosis for which physical therapy is being rendered,
- (c) Onset,
- (d) History, if not previously recorded,
- (e) Evaluation and results of test (measurable and objective data),
- (f) Interpretation,
- (g) Goals,
- (h) Plan of care, and
- (i) Signature, title (PT), and license number;

(2) For subsequent visits

- (a) Date,
- (b) Modalities, procedures, etc.,
- (c) Cancellations, no-shows,
- (d) Response to treatment,

- (e) Signature and title (PT), with identifying signatures appearing on the patient's chart, although the flow chart may be initialed,
- (f) Weekly progress or lack of it,
- (g) Unusual incident/unusual response,
- (h) Change in plan of care,
- (i) Temporary discontinuation or interruption of services and reason,
- (j) Re-evaluation, and
- (k) If there is a physical therapist assistant, reevaluate and document as required by Regulation .02L of this chapter;

(3) For discharge or last visit:

- (a) Date,
- (b) Reason for discharge,
- (c) Status at discharge,
- (d) Recommendation for follow-up, and
- (e) Signature and title.

FINDINGS OF FACT

The Board finds:

1. At all times relevant to the charges herein, the Respondent was and is licensed to practice physical therapy in the State of Maryland. The Respondent was originally licensed on August 15, 1989.
2. At all times relevant to the charges herein, Maryland Health Clinics

employed the Respondent.¹ The Respondent worked approximately three (3) days per week at the Monument Medical Center ("Monument Center"), which is located at 1235 East Monument Street, Baltimore, Maryland.

PATIENT A²

3. Patient A, a 36-year-old female, was referred to the Monument Center for evaluation and treatment of injuries sustained in an automobile accident. Patient A was diagnosed with cervical and lumbar strain. Patient A was initially on November 5, 1998.

4. Although the Respondent performed Patient A's initial evaluation, the Respondent failed to document Patient A's history and his interpretation of his findings in the patient's chart.

5. Following her initial evaluation, Patient A was treated at the Monument Center and East 32nd Street Rehabilitation Center ("East 32nd Street Rehab") on twenty-four (24) separate occasions from November 1998 to January 1999. Patient A's treatment included electrical stimulation, ultrasound, hot/cold packs massage and exercises. Patient A was reevaluated by the Respondent on December 8, 1998 and January 15, 1999.

6. Patient A received the majority of her physical therapy treatments from

¹ The Maryland Healthcare Clinics is a group of facilities that provide physical therapy at various locations in Baltimore, Maryland and the surrounding areas. The facilities include Westside Rehabilitation Center, East 32nd Street Rehabilitation Center, Monument Medical Center, and the Reisterstown Medical Center.

² To ensure confidentiality, Patient names are not set forth in this document. The Administrative Prosecutor has

physical therapist assistant, Anthony Anderson.

7. Patient A received her last physical therapy treatment at the East 32nd Street Rehab on January 28, 1999.

8. At no point while Patient A was being treated at the Monument Center and the East 32nd Street Rehab did the Respondent conduct a joint on-site visit with the physical therapist assistant as required by Code Md. Regs. tit. 10, § 38.03.02L. The Respondent also failed to document Patient A's last visit in the patient record.

PATIENT B

9. Patient B, a 14-year-old male, was referred to the Monument Center for an evaluation and treatment of injuries sustained in an automobile accident. Patient B was diagnosed with right shoulder strain with hypomobility. Patient B was initially evaluated on or about November 5, 1998.

10. Although the Respondent performed Patient B's initial evaluation, the Respondent failed to document Patient B's history and the interpretation of his findings in the patient's chart.

11. Following his initial evaluation, Patient B was treated at the Monument Center and the East 32nd Street Rehab on seventeen (17) separate occasions from November 1998 to January 1999. Patient B's treatment included electrical stimulation, massage, hot/cold packs, and exercises. Patient B was reevaluated by the

released the names of the Patients to the Respondent.

Respondent on December 8, 1998.

12. Patient B received the majority of his physical therapy treatment from physical therapist assistant, Anthony Anderson.

13. Patient B received his last physical therapy treatment on January 7, 1999.

14. At no point, while Patient B was being treated at the Monument Center and the East 32nd Street Rehab did the Respondent conduct a joint on-site visit with the physical therapist assistant as required by Code Md. Regs. tit. 10, § 38.03.02L. The Respondent also failed to document Patient B's last visit in the patient's chart.

PATIENT C

15. Patient C, a 33-year-old male, was referred to the Monument Center for evaluation and treatment of injuries sustained in an automobile accident. Patient C was diagnosed with cervical, lumbar, and right shoulder trauma. Patient C was initially evaluated on or about November 4, 1998.

16. Although the Respondent performed Patient C's initial evaluation, the Respondent failed to document Patient C's history in the patient chart.

17. Following his initial evaluation, Patient C was treated at the Monument Center and the East 32nd Street Rehab on twenty-three (23) separate occasions from November 1998 to January 1999. Patient C's treatment included electrical stimulation, ultrasound, hot/cold packs massage, and exercises. Patient C was reevaluated by the Respondent on December 8, 1998 and January 15, 1999.

earn continuing education credits (CEU's) for the law course; and be it further

ORDERED that if the Respondent fails to comply with any of the terms or conditions of probation set forth above, then his failure shall be deemed a violation of this Consent Order; and be it further

ORDERED that the Respondent shall practice physical therapy in accordance with the Maryland Physical Therapy Act, and in a competent manner; and be it further

ORDERED that if the Respondent violates any of the terms or conditions of this Consent Order, including the probationary terms or conditions as set forth herein, then the Board, after determination of violation and notice and an opportunity for a hearing, may impose any other disciplinary sanctions it deems appropriate, including suspension or revocation, said violation of probation being proved by a preponderance of evidence; and be it further

ORDERED that the conditions of this Consent Order be, and the same is hereby, effective as of the date of this Order; and be it further

ORDERED that in the event the Board finds for any reason in good faith that the Respondent has violated any provision of Title 13 of the Health Occupations Article, Annotated Code of Maryland or the regulations thereunder, the Board, after notification of the Respondent, and an opportunity for a hearing, may take immediate action and may impose any lawful disciplinary sanctions it deems appropriate, including but not limited to revocation or suspension of the Respondent's license to practice physical therapy; and be it further

ORDERED that only after the Respondent has completed his one (1) year probationary period, the Respondent may petition the Board for termination of the

probationary status and reinstatement of his license without any conditions or restrictions, provided that he has fulfilled all the terms and conditions of probation set forth herein, is not in violation of this Consent Order, and there are no outstanding complaints against the Respondent. If the Board determines that the terms of probation have not been successfully completed, then the Board may modify one or more conditions upon which the Respondent was placed on probation, upon notice to the Respondent. However, if the Respondent fails to make any such petition, then the probationary period status shall continue indefinitely, subject to the conditions set forth in this Order; and be it further

ORDERED that the Respondent shall be responsible for all costs incurred under this Consent Order; and be it further

ORDERED that this is a **FINAL ORDER** and as such is a public document pursuant to Md. State Gov't. Code Ann. §§ 10-611 et seq. (1999).

July 17, 2001
Date

Mindy Sacks, PTA
Mindy Sacks, PTA
Chairperson
Board of Physical Therapy Examiners

CONSENT OF MORRIS A. NALLE, PT

I, Morris A. Nalle, P.T., by affixing my signature hereto, acknowledge that:

1. I am not represented by an attorney.
2. I am aware that I am entitled to a formal evidentiary hearing before the Board, pursuant to § 13-317 of the Act, Md. State Gov't. Code Ann. §§ 10-201 et seq. (1999), and Md. Reg. Code tit. 10, § 10.38.05.
3. I acknowledge the validity of this Consent Order as if entered after a formal evidentiary hearing in which I would have had the right to counsel, to confront witnesses, to give testimony, to call witnesses on my own behalf, and to all other substantive and procedural protections provided by law.
4. I waive any right to contest the findings of fact and conclusions of law, and I waive my right to a full evidentiary hearing, as set forth above, and any right to appeal this Order or as set forth in § 13-318 of the Act and Md. State Gov't Code Ann. §§ 10-201 et seq. (1999).
5. I acknowledge that by failing to abide by the conditions set forth in this Consent Order, and, following proper procedures, I may suffer disciplinary action which may include revocation of my license to practice physical therapy in the State of Maryland.

6. I sign this Consent Order without reservation as my voluntary act and deed. I acknowledge that I fully understand and comprehend the language, meaning, and terms of this Consent Order.

June 29, 2001
Date

Morris A. Nalle, P.T.
Morris A. Nalle, P.T.
Respondent

NOTARY

STATE OF Maryland
CITY/COUNTY OF Anne Arundel

I HEREBY CERTIFY THAT on this 29 day of Jun, 2001, before me, a Notary Public for the State of Maryland and the City/County aforesaid, personally appeared Morris A. Nalle, P.T., and made oath in due form of law that the foregoing Consent Order was his voluntary act and deed.

AS WITNESS my hand and Notarial Seal.



Notary Public

My Commission Expires: 03/08/04